

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 598, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG COMPOUND—ELIXIR OF COD-LIVER OIL.

On or about September 17, 1909, October 22, 1909, and January 26, 1910, Frederick F. Ingram & Co., a corporation, Detroit, Mich., shipped from the State of Michigan into the District of Columbia three consignments, each containing one gross bottles of a drug product labeled "Our Compound Elixir of Cod Liver Oil. The active and medicinal principles of Cod Liver Oil, Morrhual, Butylamine, Amylamine, Iodine, Bromine and Phosphorus, combined with Fl. Extract Wild Cherry Bark, and the Hypophosphites of Sodium, Calcium, Potassium, Manganese, Iron, Quinine and Strychnine. * * * Distributed by the People's Pharmacy, M. G. Gibbs, Mgr. 824 Seventh St. N. W., Washington, D. C."

Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Frederick Ingram & Co. and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan against the said Frederick F. Ingram & Co., charging the above shipments and alleging that the product so shipped was misbranded in that the label thereon contained the following false and misleading statements: "Contains Norwegian Cod Liver Oil, as represented by its active medicinal ingredients in combination with the Hypo-

phosphites * * *”, because an analysis failed to disclose the presence of any cod-liver oil or of the active medicinal principles thereof; “It enriches the blood,” “successfully used in the treatment of Pulmonary Consumption, preventing rapid waste and maintaining the general health of the patient,” because said statements convey the impression that the preparation is capable of enriching the blood by reason of the presence of the nutritious properties of cod-liver oil in combination with the other substances named, whereas an analysis fails to show the presence of any of the nutritious qualities of cod-liver oil, and the said preparation has no properties capable of preventing rapid waste or of maintaining the general health of the patient under the conditions named; “Especially valuable in severe pulmonary complaints,” because it is in effect a claim that this compound has an especial curative value in the treatment of pulmonary affections, whereas the said compound has no curative value in the treatment of said affections; “replacing with advantage cod liver oil emulsion,” because it conveys the impression that the preparation possesses the equivalent of the medicinal and nutritive qualities found in cod-liver oil, whereas said analysis fails to disclose the presence of these properties in said preparation.

Upon arraignment the defendant entered a plea of nolo contendere and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 9, 1910.*

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